FD-350 (Rev. 7-16-63)

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Motion Says Guilty Plea Was 'Farce'

Petition Charges Hanes, Foreman And Huie

The new defense counsel for James Earl Ray this afternoon filed an amended and supplemental motion for a new trial charging that Ray's guilty plea was "a farce, a sham and a mockery of justice."

The three-page motion was submitted to the Criminal Court clerk's office by Richard J. Ryan, J. B. Stoner and Robert W. Hill Jr., Ray's attorneys.

THE DEFENSE claims Ray was "pressured and induced" into pleading guilty March 10 to the murder of Dr. Martin Luther King Jr. Ray was sentenced to 99 years in the state penitentiary at Nashville by the late Judge W. Preston Battle.

Ray charges there was a "conflict of interest" between him and his two prior attorneys, Arthur J. Hanes of Birmingham, and Percy Foreman of Houston, over the agreement which gave Alabama author William Bradford Huie exclusive literary rights to Ray's story.

Ray declared in his motion that Hanes and Foreman "actually represented William Bradford Huie and their own financial interests and not his, your defendant's."

IF RAY had been allowed to take the witness stand, his petition continued, there would have been no story or movies to sell and "there would be no profits for those parties."

The motion stated: "Your defendant is informed and therefore alleges that the author, William Bradford Huie, made the statement that your defendant (Ray) 'must not take the witness stand in his expected trial because if the defendant did take the witness stand, then he (Huie) would have no book.'"

Ray said that he and Hanes and Foreman entered in the contract with Huie while he was in Shelby County Jail awaiting trial, and that the sale of publishing and movie rights concerning his case was made to Huie "for substantial sums of money."

ATTACHED TO the motion were seven exhibits of letters and contracts relating to Ray's agreements at various times with Huie, Hanes and Foreman.

Ray asked the court to set aside his waiver of his rights to a new trial, his guilty plea and his conviction which he said "were the result of your defendant being deprived of legal counsel in violation of the 14th and 6th amendments to the U.S. Constitution."

Ray said that his failure to have legal counsel as guaranted by those amendments "is in reality a greater disservice to him than having incompetent counsel and is a gross denial of due process and effective representation of counsel so as to be as such as to make defendant's plea of guilty a farce, a sham and a mockery of justice."

ONE OF THE exhibits was a copy of a letter to Ray from Foreman dated March 9, the day before Ray pleaded guilty. The Houston attorney noted that Ray had assigned to him all of his royalties from magazine articles, books, motion pictures and other revenue from the writings of Huie "unconditionally."

Foreman said Ray had "authorized and requested" him to negotiate a guilty plea with the attorney general's office in exchange for a 99-year sentence.

Foreman said that since a guilty plea would shorten the trial considerably and save him (Foreman) time, he was willing to make the following adjustment on his fee arrangement:

"IF THE PLEA is entered and the sentence accepted

(Indicate page, name of newspaper, city and state.)

PAGE 1

MEMPHIS PRESS-SCIMITAR

MEMPHIS, TENN.

Date: 4-7-69
Edition:
Author: CHAS. H. SCHNEIDER
Editor:
Title:

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Classification:
Submitting Office: MEMPHIS

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44-1987-Sub-C-377

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and no embarrasing circumstances take place in the courtroom, I am willing to assign to any bank, trust company or individual selected by you all my receipts under the above assignment in excess of $165,000."

Another exhibit was the copy of the original agreement dated July 8, 1968, between Huie, Ray and Hanes in which Ray agreed to pay Huie and Hanes 30 per cent each of the gross receipts of publishing rights.

Another exhibit was a letter, dated July 8, from Huie to Hanes agreeing to advance a total of $35,000 to be charged against "whatever may come due to you and Ray under the agreement.

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FD-350 (Rev. 7-16-63)

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Rush To Get Royalties Cited In Ray's Appeal

By CHARLES EDMUNDSON

Alleging that James Earl Ray's first two attorneys "represented their own financial interests, not the defendant's interests," Ray's new attorneys yesterday asked that his guilty plea be set aside and he be granted a new trial.

Richard J. Ryan, Ray's new chief counsel, filed in Criminal Court a new trial motion stating that the interest of Arthur J. Hanes Sr. of Birmingham and of Percy Foreman of Houston in collecting for the book and movie rights on Ray's story established a conflict of interest.

This conflict, the motion states, was so strong as to deprive Ray of representation by counsel as defined in the Sixth and Fourteenth Amendments to the Constitution.

Ray pleaded guilty March 10 to the deer-rifle slaying of Dr. Martin Luther King Jr. on the balcony of a Memphis motel April 4, 1968. But he entered that plea, attorney Ryan sets out, under "pressure" and "duress."

After conferring with Judge Arthur C. Faquin, Criminal Court Clerk James A. Blackwell indicated the hearing on the motions probably would take place in two to three weeks. Judge Faquin yesterday postponed the trial of Lon Chaney Boyd, accused of fatally injuring a prisoner he was guarding in the Memphis City Jail, leaving the way clear to concentrate on studying the law relating to the Ray appeal.

The new trial motion asks that a letter written by Ray to the Criminal Court clerk March 26 repudiating his guilty plea be included as part of the newly-filed motion. The documents filed yesterday are signed by attorneys J. B. Stoner of Savannah, Ga., and Robert W. Hill Jr. of Chattanooga, associated with Mr. Ryan in the case.

Filed were the motion and seven documents totaling 21 pages giving details of the agreements with Mr. Hanes and then with Mr. Foreman and author William B. Huie on division of the hoped-for receipts from the book royalties and movie rights.

The original agreement with Mr. Huie, Mr. Hanes and Ray for splitting the receipts carries the date of July 8, 12 days before Ray was extradited from London to Memphis. This may indicate the agreement was signed by Ray while he was still in prison in London.

The figures show the royalties and rights were expected to reach a minimum of $250,000. Ray and his attorneys were to get 30 per cent each, but Ray immediately signed over his share to his counsel, making that share 60 per cent.

To date, it is stated, $30,000 has been paid to Mr. Hanes and $10,000 to Mr. Foreman. Mr. Foreman summed up the terms in two letters addressed "Dear James Earl" March 9,

(Indicate page, name of newspaper, city and state.)

PAGE One

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 4-8-69
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Editor: GORDON HANNA
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Character:
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Classification:
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the day before Ray pleaded guilty.

The motion says the attorneys' interest in the royalties and movie rights was such as to constitute "a gross denial of due process and effective representation by c o u n s e l (and) to make the defendant's plea of guilty a farce, a sham and a mockery of justice."

The motion quotes Mr. Huie as having said, "The defendant must not take the witness stand in his expected trial, because if he takes the witness stand then he (Mr. Huie) would have no book."

Mr. Huie has never talked to Ray face to face but relied on notes Ray sent him through counsel. The original agreement carried a clause invalidating it if Mr. Huie did not get a personal interview with Ray by July 8. But this was crossed out with the deletion initialed by the three principals.

One of the letters Mr. Foreman wrote Ray the day before the guilty plea says Mr. Foreman has paid to Jerry Ray, the accused's brother, $500 and specifies, "I will not make any other advances—just this one for $500." In return his prior claim on any receipts was r a i s e d from $165,000 to $165,500.

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FD-350 (Rev. 7-16-63)

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Battle Handled Big Work Load With Ray Case

The late Criminal Court Judge W. Preston Battle was handling nearly as many total cases as the average handled by each of the other four judges while, at the same time, presiding in the James Earl Ray case, statistics showed yesterday.

Criminal Court Clerk James A. 'Bubba' Blackwell released figures showing Judge Battle disposed of a total of 493 cases from September last year to March this year — compared to an average of 520 for each of the other four judges.

During the months of October, November and January, Judge Battle exceeded the average of his four colleagues.

The total cases disposed of by Judge Battle (with the average of his four colleagues in parentheses) by month were: September, 39 (58); October, 94 (69); November, 97 (62); December, 31 (36); January, 102 (94); February, 71 (80), and March, 59 (121).

In addition to disposing of other cases, Judge Battle spent a considerable amount of time over the past year researching criminal law applicable to the Ray case and handling numerous contempt of court cases against newsmen, attorneys, a magazine writer and an FBI fingerprint expert. He died at work in his chambers March 31 of a heart attack.

(Indicate page, name of newspaper, city and state.)

PAGE 17

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 4-8-69
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Author:
Editor: GORDON HANNA
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FD-350 (Rev. 7-16-63)

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Faquin Delays Contempt Case In King Reports

Criminal Court Judge Arthur Faquin yesterday postponed to May 23 a hearing that had been set for Friday for six men involved in contempt of court charges for stories written or interviews given in the Martin Luther King Jr. murder case.

The late Judge W. Preston Battle, on Sept. 30, found two reporters, an attorney and a private detective guilty of contempt but deferred sentence He later ordered a magazine writer and an FBI agent to show cause why they, too, should not be held in contempt.

Judge Faquin did not say why the case was postponed. But it was noted the postponement would place the contempt hearings after the hearing on motions filed Monday for a new trial for James Earl Ray, who pleaded guilty March 10 to Dr. King's murder. Ray now claims he pleaded guilty under duress from attorney Percy Foreman.

The postponement is expected also to give the United States Supreme Court time to decide whether it will accept jurisdiction on a pending appeal to overturn the conviction of Roy Hamilton, a reporter for the Memphis Press-Scimitar, and Charles Edmundson, a reporter for The Commercial Appeal.

The deadline for the prosecution to file an answer to the Hamilton and Edmundson appeal is April 26. The two others convicted of contempt—for violating the court's order limiting pretrial publicity—are attorney Arthur J. Hanes of Birmingham, the first of Ray's three chief attorneys, and Renfro Hays, a Memphis private investigator.

Cited to show cause why they should not be held in contempt are George Bonebrake of the FBI and William Bradford Huie of Hartselle, Ala., another of a series of articles in Look magazine on the King murder and James Earl Ray.

(Indicate page, name of newspaper, city and state.)

PAGE 31

COMMERCIAL APPEAL

MEMPHIS, TENNESSEE

Date: 4-9-69
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Character:
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Ray Attorney Claims He Has 'New Evidence'

CHATTANOOGA, Tenn. — (UPI) — Claiming he has "new evidence," attorney Robert Hill says he is ready for a hearing Wednesday when James Earl Ray will begin a legal process he hopes will grant him a new trial.

Memphis Criminal Court Judge Arthur Faquin has said he will decide at the Wednesday hearing when to hear arguments on Ray's new trial motion in the slaying of Dr. Martin Luther King Jr.

HILL TOLD UPI Saturday he was not sure if Faquin would take new evidence Wednesday, but if he does, "I do have new evidence in the case." He did not disclose the nature of the evidence.

Hill said Ray's brother, Jerry, would be available to testify if Faquin so desires, and that Jerry "had a good portion of proof and will cooperate."

Hill, a 29-year-old karate expert who walks with a slight limp because of a childhood bout with polio, said he took the case out of sympathy for Ray and "because I think Mr. Ray was done a great injustice."

ASKED WHETHER he thinks Ray is innocent, Hill stated: "Well, I believe in defending him — my personal viewpoint is immaterial, but since you have asked me, 'yes,' I do believe he is innocent."

He said although the state has charged Ray killed King because of a deep-seated hatred for Negroes, the charge was false. "I asked him about his feelings on race, and he is not a racist," Hill said.

(Indicate page, name of newspaper, city and state.)

PAGE 6

MEMPHIS [illegible] SCIMITAR

MEMPHIS, TENN.

Date: 4-14-67

Edition:

Author: CHAS. [illegible]

Editor: SCIMITAR

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Character:

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Classification:

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FD-350 (Rev. 7-16-63)

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Ray Charges Hanes, Huie in 'Collusion'

By NELLIE KENYON

James Earl Ray charged attorney Arthur J. Hanes and author William Bradford Huie yesterday with "collusion" with specific intent to "exploit his plight" for their own "monetary benefit."

The allegation was made in an amended complaint filed for Ray in federal court yesterday by Atty. Robert W. Hill Jr., of Chattanooga, one of Ray's new lawyers.

THE AMENDED complaint added the name of Hanes, whom Ray fired last November as a defendant in a lawsuit filed last week. Huie and attorney Percy Foreman of Houston were listed as defendants in the original complaint.

Hill filed the amended bill about 12:30 p.m., after spending three hours with Ray at the state prison where he is serving a 99-year prison sentence for the murder of Dr. Martin Luther King Jr.

Hill said Ray requested during this visit that he represent him in his criminal proceedings. Hill and J. B. Stoner of Savannah, Ga., have been representing in civil matters only.

Ray has filed a motion for a new trial which is now before Criminal Judge Arthur Facquin of Memphis. Ray claims he was coerced into pleading guilty to killing King and that both Foreman and Hanes were acting in their own financial interests and not in Ray's behalf.

FACQUIN HAS said he will announce today when and if a hearing on Ray's motion will be held.

The amended complaint alleged among other things that Ray was "under extreme emotional and mental stress and thus was more susceptible to the urgings of the attorney who was allegedly acting in his behalf."

It was charged further that Hanes realized that Ray was a stranger "to the tangles of the law, and therefore proceeded to 'take him in.'"

Huie, a free-lance writer from Hartselle, Ala., contracted with through Hanes to write Ray's life story. Foreman was later made a party to the contract. Ray's original complaint seeks to block publication of the book by Huie.

HILL SAID Hanes was omitted as a defendant from the original complaint through an oversight. Hanes was mentioned in the body of the complaint but was not formerly listed as a defendant.

(Indicate page, name of newspaper, city and state.)

PAGE 31
NASHVILLE TENNESSEAN
NASHVILLE TENN.

Date: 4-16-69
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44-1987

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Hanes, of Birmingham, was employed as Ray's first lawyer. The suit filed in federal court here alleged Hanes was released when Foreman was engaged, under an agreement in which Hanes would receive $30,000.

The amended complaint charged Foreman coerced Ray into "signing some sort of petition for waiver and other unlawful and unconstitutional petitions . . ." under which he pleaded guilty to King's murder and accepted a 99 year prison term.

Among the rights which Foreman was charged with attempting to coerce Ray to waive were Ray's motion for a new trial; succesesive appeals to the Court of Criminal Appeals of the State Supreme Court; and petition for review by the U.S. Supreme Court.

THE SUIT said there "is no precedent for such a waiver in law or equity and that as an experienced attorney, Mr. Foreman must have realized not only the impropriety, but the gross injustice he was fostering upon his own client . . . in direct contradiction" of his guaranteed constitutional rights.

Soon after Criminal Court Judge W. Preston Battle Jr. of Memphis, sentenced Ray, Battle died and Faquin was named to succeed Battle.

The civil suit which has been filed in federal court here charges Hanes, Foreman and Huie of wanting Ray to plead guilty so as to avoid a trial which would make facts and testimony public property and eliminate any exclusive rights to such material. Battle questioned Ray at length to determine whether Ray understood a plea of guilty closed the door to a new trial or appeal under Tennessee law.

The amended complaint, however, insisted such a waiver is unconstitutional.

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FD-350 (Rev. 7-16-63)

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Ray May Pay Return Trip To the City

By ROY B. HAMILTON
Press-Scimitar Staff Writer

James Earl Ray's return to Memphis appeared likely today, following announcement by Criminal Court Judge Arthur Faquin he would hear arguments on Ray's new trial motion May 26.

Judge Faquin set the hearing date after it was agreed upon by the court, Robert K. Dwyer, executive assistant attorney general. and Richard J. Ryan, one of Ray's new attorneys.

While the Judge did not disclose whether he would order Ray brought back to Memphis for the hearing from the state penitentiary in Nashville, it was considered virtually certain he will be returned.

THE LATE Judge W. Preston Battle, whom Faquin succeeded on the case, had Ray in the courtroom for all pretrial hearings, as a safeguard to his rights, and Judge Faquin is expected to follow the policy he laid down, according to sources.

Following the announcement in Faquin's courtroom, Dwyer told newsmen the state would file a written answer sometime this week opposing a new trial for Ray.

ASKED IF he thought Ray would win a new trial, Dwyer replied: "From the state's viewpoint, I don't think he will." He said Ray, in pleading guilty to the murder of Dr. Martin Luther King on March 10, waived his rights to appeal and he could not see "any merit" to his arguments.

Ray, who received a 99-year sentence, contends he was "pressured" into pleading guilty. He said his former attorneys, Arthur J. Hanes and Percy Foreman, were more interested in selling book and movie rights to Alabama author William Bradford Huie than in defending him.

ATTY. GEN. Phil Canale, usually the spokesman for the state on the Ray case, was reported in a hospital today undergoing tests.

In another development, it was reported Clyde Mason, assistant attorney general, will replace Jim Beasley on the prosecution team. Beasley, the state's research man on the case, has been named county attorney, effective Monday.

JUDGE FAQUIN is expected to conduct the May 26 hearing in Division 3 courtroom, where all previous hearings were held.

Sheriff William N. Morris said the special, armor-plated cell Ray occupied while a prisoner here is available and Ray will be confined there if returned.

(Indicate page, name of newspaper, city and state.)

PAGE 43

MEMPHIS PRESS-SCIMITAR

MEMPHIS, TENN.

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FD-350 (Rev. 7-16-63)

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Decision Remains On Scope Of New Trial Hearing For Ray

A prosecutor in the James Earl Ray case said yesterday no decision has been made on how limited the May 26 hearing on Ray's motion for a new trial will be.

Criminal Court Judge Arthur C. Faquin Jr. yesterday set the hearing date.

Ray pleaded guilty March 10 to the murder of Dr. Martin Luther King Jr., but within 24 hours told a member of the sheriff's patrol he would seek a new trial. He claims he was pressured into pleading guilty by his attorney, Percy Foreman of Houston, whom he has fired.

Ray's new chief counsel, Richard Ryan of Memphis, represented Ray at a brief conference with members of the attorney general's staff yesterday in choosing a date to hear the motion for a new trial.

Exec. Asst. Atty. Gen. Robert K. Dwyer and Asst. Atty. Gen. James C. Beasley represented the state.

Mr. Dwyer said no decision has been rached on whether to limit the hearing strictly to a motion for a new trial, or to permit—or even invite — the defense to move also for relief

(Indicate page, name of newspaper, city and state.)

PAGE 39

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 4-17-69
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under the Tennessee Post-Conviction Act.

When he pleaded guilty, Ray signed a waiver of a new trial and told the court he understood there was no appeal after a guilty plea. If the state chooses to limit the hearing to this, it would have a presumed advantage on that narrow issue.

But if a new trial were denied, Ray could petition the next day for a hearing under the Post-Conviction Act and be assured of getting it. Mr. Dwyer indicated the state may try to settle both issues at the same hearing.

Judge Faquin will decide whether Ray will be required to support his new trial motion by affidavits or will be brought back from Nashville to testify in person. It is expected that Ray will ask to be brought back and it is considered likely such a request would be granted.

Asst. Atty. Gen. Clyde Mason is scheduled to succeed Mr. Beasley to assist Atty. Gen. Phil M. Canale and Mr. Dwyer in the Ray case. Mr. Beasley assumes the office of county attorney Monday.

At his home in Hartselle, Ala., magazine writer William Bradford Huie termed "nonsense" Ray's accusation that Mr. Huie worked with Ray's first attorney, Arthur Hanes of Birmingham, and then with Mr. Foreman, to prevail on Ray to plead guilty in the King slaying.

Ray supplied Mr. Huie with a handwritten account of his wanderings before the King slaying, which Mr. Huie used in preparing a book." He Slew the Dreamer," to be published next month.

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FD-350 (Rev. 7-16-63)

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Prison to Keep Ray Isolated for Safety

NASHVILLE. — (UPI) — An isolated cell in the maximum security section of the Tennessee State Prison will be James Earl Ray's home until prison officials determine it is "safe" to move him elsewhere.

State Corrections Commissioner Harry Avery said he believes it is safer to keep Ray where he is — at least for the present.

Ray has been in the maximum security building since March 11, one day after he pleaded guilty to the slaying of Dr. Martin Luther King Jr. Ray received a 99-year sentence which he is now trying to overturn.

"I DON'T KNOW any place we plan to move him," said Avery when asked if officials plan to keep Ray in maximum security.

Ray has been undergoing a classification process which normally takes four to six weeks. Officials said earlier a decision would be made when the process is finished whether Ray would be allowed to mingle with the rest of the prison population which includes 824 Negroes — nearly half of the inmates.

AVERY, asked whether he thought Ray would be in danger if he were allowed to mix with the other prisoners, replied:

"I personally don't know, but as a matter of caution I think it is better now to keep him where he is. I don't know what the future will bring. He will be kept there until such time as we think it will be safe for him to take some other assignment."

An unidentified prison guard was quoted earlier this month by a Nashville newspaper as saying Ray would be dead within two years if he were to be released from the maximum security unit.

"The temptation to kill the man who killed Martin Luther King will be too great for some of our prisoners out here," the guard was quoted as saying. "They'll get him and there's nothing we can do about it."

THE GUARD said racial hatred might not be the only factor endangering Ray.

"Some people are saying Ray just killed King so he could gain stature among the prisoners," the guard said. "I think there are some people out there who would try to kill Ray for the same reason."

(Indicate page, name of newspaper, city and state.)

PAGE 5

MEMPHIS PRESS-SCIMITAR

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Date: 4-22-69

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FD-350 (Rev. 7-16-63)

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Chattanooga Lawyer Says Ray Was 'Dupe', Thinks New Trial Is Assured

NASHVILLE, April 22. — (UPI) — James Earl Ray was the dupe in the murder of Dr. Martin Luther King Jr., and is virtually assured of winning a new trial, his attorney said Tuesday.

Robert W. Hill of Chattanooga, told newsmen after a three-hour-and-15-minute conference with Ray at the state penitentiary that he discussed with Ray the new trial motion which will be heard by Criminal Court Judge Arthur C. Faquin, in Memphis, May 26.

Hill said they also discussed in passing the conspiracy aspects of the case.

"He (Ray) has no real knowledge of any conspiracy that I know of," Hill said. "He flatly just doesn't know. He doesn't have that much knowledge of what actually happened."

The slender, young attorney did not say who he thought had "duped" Ray and declined to say what type of alibi Ray will claim in the event a new trial is granted.

Ray has been confined to an isolated maximum-security cell in the state prison here since March 11, the day after he pleaded guilty in Memphis to King's murder in exchange for a 99-year sentence.

Hill and two other attorneys, J. B. Stoner of Savannah, Ga., and Richard Ryan of Memphis, are representing Ray. Hill is involved with Ryan in the appeals in criminal court at Memphis and with Stoner in a federal lawsuit filed here.

more more

The federal suit seeks to void contracts Ray has with two former attorneys, famed lawyer Percy Foreman of Houston and former Birmingham Mayor Arthur Hanes, and with author William Bradford Huie.

Hill emerged from the prison clutching what appeared to be sheets of lined notebook paper on which he said Ray had made notes as well as a torn sheet from a Look magazine article which Foreman had written.

Hill said he did not yet know what the notes contained but said Foreman had violated professional ethics in the Look article by stating that no client came to him unless he was guilty.

Accompanying Hill were two private investigators from Chattanooga who are working with him on the Ray Case.

Hill said he did not think it would be necessary for Ray to attend the hearing in Memphis next month.

"There is no reason that he should be there because all that we will be discussing are points of law."

Hill said Ray had been interviewed by FBI agents since his confinement here but he did not know whether Ray cooperated and answered their questions.

If a new trial is granted, Hill said, Ray has no particular desire to testify but would be

(Indicate page, name of newspaper, city and state.)

PAGE 26

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 4-23-69

Edition:

Author: GORDON HANNA

Editor:

Title:

Character:

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Classification:

Submitting Office: MEMPHIS

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FD-350 (Rev. 7-16-63)

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Ray Is Not Upset At Sirhan Verdict

James Earl Ray and his attorneys are not frightened by the death verdict found by a Los Angeles jury in the case of Sirhan Sirhan, one of Ray's lawyers said last night.

Reached by telephone in Chattanooga, attorney Robert W. Hill Jr. quoted Ray as saying, "I'd as soon be executed as to be kept the rest of my life in solitary imprisonment."

Mr. Hill said the possibility of Ray's receiving the death sentence if a pending motion for a new trial is granted "has entered fully in our calculations. There will be no thought of dropping our new trial motion because of what has happened to the slayer of Senator Robert Kennedy."

Ray, charged with the slaying of Dr. Martin Luther King Jr. April 4, 1968, should know the answer to his new trial motion a month from tomorrow. Criminal Court Judge Arthur C. Faquin, who was given the case after the death of Judge W. Preston Battle, will hear the motion the morning of May 26.

Mr. Hill said he doubts if he will attend the hearing.

"It is a simple motion and only one lawyer is needed to argue it. I do not doubt the motion will be granted."

Mr. Hill said he does not go so far as to say Ray had nothing to do with the crime. "I do say he did not kill King and did not knowledgeably participate in any conspiracy of which he knew the consequences and the magnitude."

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— PAGE 36

— MEMPHIS PRESS-SCIMITAR

— MEMPHIS, TENN.

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Date: 4-25-69

Edition:

Author: CHAS. H. SCHNEIDER

Editor:

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2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

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Hooker Sr. Named Foreman Counsel

NASHVILLE, April 26.—(AP) — John J. Hooker Sr. will represent Texas attorney Percy Foreman and author William Bradford Huie in a federal court suit filed against them by James Earl Ray, admitted slayer of Dr. Martin Luther King Jr.

Hooker, a prominent Tennessee attorney who lives in Nashville, said Saturday that both Foreman and Huie had contacted him about handling the case during the past week.

Ray, who pleaded guilty to murdering King in return for a 99-year prison sentence, is seeking to void contracts with his former attorney and the Alabama novelist and magazine writer.

Ray has charged in the suit that they were more interested in making money than they were in protecting him and that they pressured him into pleading guilty to the murder charge.

The suit also seeks to block publication of Huie's book about Ray which Ray claims is based on information he gave Foreman and his first attorney, Arthur Haynes of Birmingham, Ala., a third defendant in the suit.

In separate legal action in Memphis, where the murder and trial took place, Ray is seeking to reverse his guilty plea and win a new trial. A hearing on the new trial motion is scheduled May 26.

Hooker, whose son John J. Hooker Jr., made an unsuccessful bid for the Democratic nomination to the governorship of Tennessee in the last election, said Saturday he plans to file briefs on his clients' behalf "within the next few days."

(Indicate page, name of newspaper, city and state.)

— PAGE 9
Dec. 7
— COMMERCIAL APPEAL
— MEMPHIS, TENN.
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Date: 4-27-69
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Author:
Editor: GORDON NAFMA
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2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

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Newsmen Await Sentencing

An attorney for two Memphis newsmen convicted of contempt of court in the James Earl Ray case said today he will postpone Supreme Court action until the men are sentenced.

Armistead Clay, counsel for Roy Hamilton of The Press-Scimitar and Charles Edmundson of The Commercial Appeal, has appealed the conviction through lower courts which have refused to review the action because of the absence of sentence.

Judge Arthur Faquin, who took over the Ray case with the sudden death of Judge W. Preston Battle March 31, is scheduled to pass sentence after a hearing May 23.

Faquin, however, said he might delay the hearing until after May 26 when he is scheduled to rule on Ray's motion for a new trial in the slaying of Dr. Martin Luther King Jr.

Ray pleaded guilty before Battle March 10 and was sentenced to 99 years in the state penitentiary at Nashville.

(Indicate page, name of newspaper, city and state.)

PAGE 5

MEMPHIS PRESS-SCIMITAR

MEMPHIS, TENN.

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2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

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Foreman, Huie Seek Dismissal Of Ray's Suit

NASHVILLE. — (UPI) — A new motion filed in U.S. District Court here seeks dismissal of a suit by James Earl Ray against attorney Percy Foreman and author William Bradford Huie.

The motion by Nashville attorney John J. Hooker claims Ray's suit was filed in the wrong district court since he is not a resident of Middle Tennessee.

IT ALSO SAYS Ray's suit, which seeks to invalidate contracts with Foreman, attorney Arthur Hanes of Birmingham and Huie, "fails to state a claim against" Foreman upon which relief can be granted.

Hanes, former Birmingham mayor who was Ray's first attorney after he was arrested for the death of Dr. Martin Luther King Jr., has said he plans to answer the suit soon.

IN THE SUIT, Ray, now serving a 99-year prison term, claims he was "pressured" into pleading guilty to the King slaying by both Hanes and Foreman.

Ray seeks to halt publication next month of a book written by Huie about the slaying of King in Memphis last year.

(Indicate page, name of newspaper, city and state.)

MEMPHIS PRESS-SCIMITAR

PAGE 8

MEMPHIS, TENN

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2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

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Author Dims Theory Of Conspiracy

Author Gerold Frank, reconstructing the slaying of Dr. Martin Luther King for a book, said last night it "appears more and more to be less and less a conspiracy."

Mr. Frank, author of "The Boston Strangler," "I'll Cry Tomorrow" and "Beloved Infidel," played down the conspiracy theory in a question and answer period with members of Sigma Delta Chi, a professional journalism society.

Many of those in the audience of the Region Three SDX meeting at Holiday Inn-Midtown were newsmen who were involved in covering the lengthy story from the assassination to the imprisonment of James Earl Ray for the killing.

Mr. Frank said his original deadline for the book on the King slaying was September, 1971, "but it just seems to keep going and keep going." He was then asked if he thought Ray would live that long.

"I don't suppose I know any more about that than anyone else," he answered.

In his talk and in his answers, he used the fact that Ray has not been silenced by any co-conspirators as a factor in favor of the no-conspiracy theory.

Another factor, he said, was Ray's courtroom statement that indicated the killing resulted from a conspiracy which prompted no underworld retaliation.

A third was the site and time chosen for the fatal shooting — a bathroom at the end of a dead-end hall at a time when persons are coming in from work and logically would be using the bathroom.

Mr. Frank thinks that Ray "is street bright," smart enough to survive in the world of the criminal.

"With Ray, all we know are his failures. We don't know how successful some of his robberies were, just as we don't know how many women were not attacked by the Boston strangler."

In discussing his research on the King killing and investigation for other books, he noted that frequently criminal acts follow no logic and events cannot be explained rationally but rather as coincidences.

In an afternoon session, closed-circuit television coverage of the Sirhan trial was explained by a Los Angeles newsman.

"We proved that television can cover a trial of national importance without disrupting the court," said Howard Williams, editorial director of KNXT-TV.

Mr. Williams directed the installation of a closed-circuit television system for the trial of Sirhan Sirhan, the convicted assassin of Senator Robert Kennedy.

An auxiliary courtroom was set up four floors beneath the real one. Three television monitors were placed in it.

In a talk yesterday morning to Sigma Delta Chi members, a University of Arkansas law professor predicted that the Tennessee Supreme Court will reverse the conviction of two Memphis reporters held in

(Indicate page, name of newspaper, city and state.)

PAGE 23

COMMERCIAL APPEAL, MEMPHIS, TENN.

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MAY 7 1969
FBI — MEMPHIS

2025 RELEASE UNDER E.O. 14176

contempt in the King murder case.

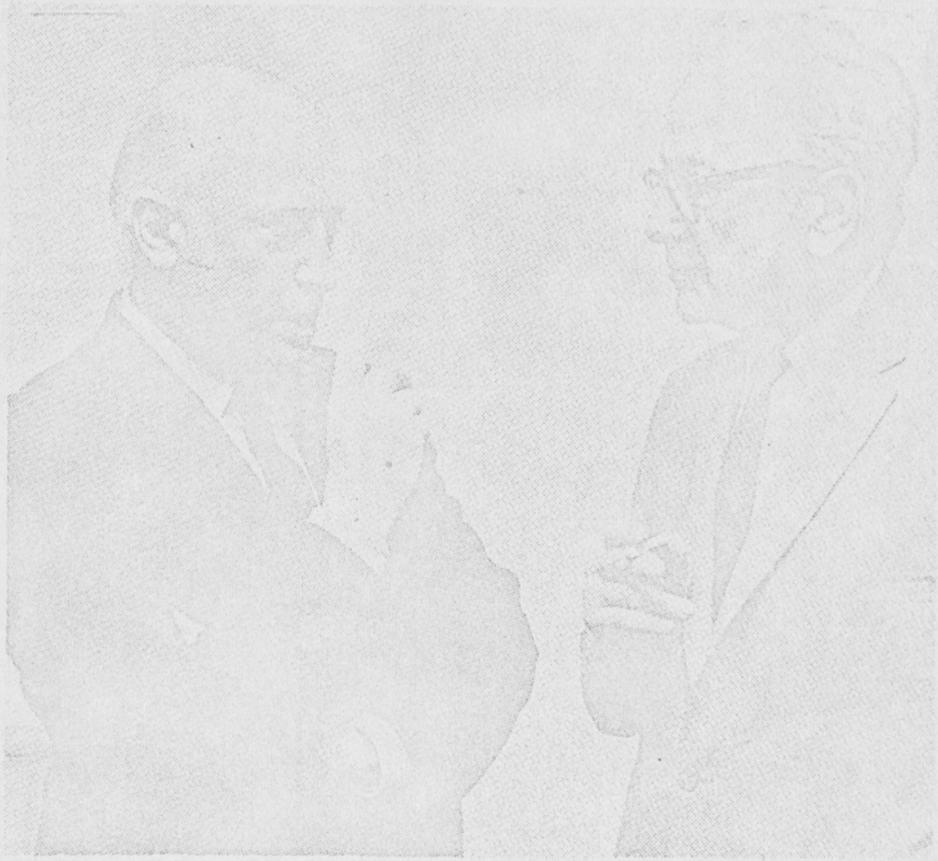
Jerome F. Leavell of the Little Rock Division of the University of Arkansas School of Law said stories written by Roy Hamilton of the Memphis Press-Scimitar and Charles Edmundson of The Commercial Appeal did not constitute a "clear and present danger" to the administration of justice.

Mr. Hamilton and Mr. Edmundson were convicted for contempt by the Judge Battle Sept. 30.

Judge Battle died before passing sentence.

The three-day conference ends tonight with a dinner and a talk by John Seigenthaler, editor of the Nashville Tennessean, on the inconsistency of justice in the Sirhan, Ray and Clay Shaw trials.

Other speakers today include Kenneth Starck, assistant professor of journalism at Southern Illinois University and former education editor of The Commercial Appeal, and Frank Angelo, managing editor of the Detroit Free Press and national vice president of SDX.



CASE DISCUSSION — Author Gerold Frank (left) and Charles Edmundson, a reporter for The Commercial Appeal, discussed the James Earl Ray case last night at the Sigma Delta Chi, professional journalism society, conference at the Holiday Inn-Midtown. Mr. Edmundson reported the case for The Commercial Appeal, and Mr. Frank is gathering material for a book about the murder of Dr. Martin Luther King Jr.

—Staff Photo by Fred Griffith

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FD-350 (Rev. 7-16-63)

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Hearing On Retrial To Be As Scheduled

The hearing on a motion for a new trial for James Earl Ray will be held May 26 as scheduled, two of his attorneys said here yesterday.

Attorneys Richard J. Ryan of Memphis and J. B. Stoner of Augusta, Ga., said they expected the attorney general's office to file an answer to their motion for a new trial before the end of the week.

The attorneys said they were informed by Exec. Asst. Atty. Gen. Robert K. Dwyer that the reply to their motion awaits only the arrival of a letter from Ray's former attorney, Percy Foreman of Dallas, before being filed in the criminal court clerk's office.

Judge Arthur C. Faquin has scheduled the hearing of arguments on a new trial for Ray in the murder of Dr. Martin Luther King Jr. for 9:30 a.m. May 26. Ray pleaded guilty to the murder March 10 but almost immediately repudiated his guilty plea.

Mr. Stoner, who identified himself as vice chairman of the executive committee of the National States Rights Party, declined to be interviewed. After seeing Mr. Dwyer, Mr. Ryan introduced Mr. Stoner to Judge Faquin.

(Indicate page, name of newspaper, city and state.)

PAGE 5

COMMERCIAL APPEAL

MEMPHIS, TENN.

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Attorney For Ray Accepted By Judge

Criminal Court Judge Arthur C. Faquin Jr. yesterday issued an order recognizing that J. B. Stoner of Savannah, Ga., is serving with Richard J. Ryan of Memphis as a criminal lawyer for James Earl Ray.

Mr. Stoner, an official of the National States Rights Party, had previously been considered an attorney for Ray only in civil matters. He had been the first lawyer to see Ray after his transfer to the state prison in Nashville. However, state Corrections Commissioner Harry Avery said the Georgia lawyer had indicated he represented Ray only on civil matters, and wasn't allowed to see Ray again.

"The warden of the state prison or any other person having control of the prisoner is hereby directed to permit Stoner to consult with the defendant," the judge said.

Ray, who pleaded guilty on March 10 to murdering Dr. Martin Luther King Jr. and was sentenced to 99 years, is seeking a new trial. A hearing will be held May 26 before Judge Faquin.

(Indicate page, name of newspaper, city and state.)

PAGE 29

COMMERCIAL APPEAL,

MEMPHIS, TENN.

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Editor: CORRIE WATSON

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FBI — MEMPHIS

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FD-350 (Rev. 7-16-63)

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Suits to Be Filed In Ray's Behalf

J. B. Stoner of Savannah, Ga., attorney for James Earl Ray, said today he would file federal court suits charging government agencies, magazines and individuals with conspiring to deprive Ray of his constitutional rights.

Stoner spent about two hours with Ray in his state prison cell at Nashville yesterday.

Criminal Court Judge Arthur C. Faquin Jr. issued an order in Memphis that Stoner is serving with Richard J. Ryan of Memphis as one of Ray's defense attorneys.

Stoner refused to say who the defendants would be, nor would he comment on when or where the suits would be filed.

STONER, long associated with the National States Rights Party and Ku Klux Klan activities, said Ray and he primarily discussed the filing of the suits and touched briefly on the May 26 Memphis hearing which will determine whether Ray will receive a new trial in the murder of King.

"Ray seems to be getting along very well considering where he is," said Stoner.

He declined to repeat anything that Ray told him and would not say if Ray had requested any personal effects such as magazines or writing paper.

STONER was the first attorney to meet with Ray after his transfer to Nashville from Memphis March 11. At that time, Stoner told newsmen he was representing Ray only in civil matters.

Faquin will hold a hearing May 26 on a letter written by Ray to the late Judge W. Preston Battle and a motion, signed by Ryan, Stoner and Hill, that was filed on April 7, one week after Battle's death.

Ray had been in the state prison less than a day when he repudiated his guilty plea in the King assassination, claiming that he had been "pressured" by his previous attorney, Percy Foreman of Houston.

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PAGE 15

MEMPHIS, TENN

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FD-350 (Rev. 7-16-63)

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State Tells Court Ray Waived Right

By ROY B. HAMILTON
Press-Scimitar Staff Writer

The state today contended that James Earl Ray waived his right to a new trial and appeal when he pleaded guilty and accepted a 99-year prison term in the slaying of Dr. Martin Luther King. Jr.

The state filed its answer opposing Ray's motion for a new trial before Criminal Court Judge Arthur Faquin. Robert K. Dwyer, executive assistant attorney general, filed the state's reply.

Judge Faquin will hear arguments on the issue May 26.

Accompanying the state's motion was a copy of a petition for waiver and acceptance of the guilty plea signed by Ray and his former attorney, Percy Foreman of Houston.

The last sentence of the petition reads, "I hereby waive any right I may or could have to a motion for a new trial and-or an appeal."

Ray now claims he was pressured into peading guilty March 10 by his former counsel.

He wrote a letter to the late Judge W. Preston Battle, who presided at the guilty plea proceedings, asking for a new trial shortly before Battle's death.

Ray is expected to be returned to Memphis from the state penitentiary at Nashville for the May 26 hearing.

(Indicate page, name of newspaper, city and state.)

MEMPHIS 3
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PAGE

MEMPHIS, TENN

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FD-350 (Rev. 7-16-63)

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Canale Believes Ray Appeal Null

James Earl Ray forfeited the right of appeal when he pleaded guilty in Criminal Court here to the slaying of Dr. Martin Luther King Jr., Atty. Gen. Phil M. Canale said in a motion filed yesterday.

The attorney general cited a Tennessee Supreme Court opinion holding that an "attempted appeal after a plea of guilty is a complete nullity" and asked Judge Arthur C. Faquin to dismiss Ray's motion for a new trial. Judge Faquin will hear the motion May 26.

A plea of guilty precludes appeal both in the state and the United States Supreme Court, the attorney general said. But the state acknowledged informally that Ray can ask for a habeas corpus hearing if his new trial motion is refused. The right to a habeas corpus hearing is guaranteed in the state's Post-Conviction Act.

Meanwhile in Nashville, state penitentiary personnel completed Ray's prisoner classification but ruled he must continue to live alone in a single maximum security cell, as he has since March 11.

An unidentified prison guard was quoted as saying Ray's life would be in danger if he mingled with other prisoners.

Ray was found by psychologists to be of "bright, normal intelligence." He refused to make any statement to them regarding the killing of Dr. King at the Lorraine Motel April 4, 1968.

The classification notes Ray never had "a great deal to do with religion." His prognosis for adjustment to prison or civil life "appears guarded."

Weldon W. Cox, deputy commissioner of corrections, said fitting Ray into a prison occupation presents a "special case. He may be qualified to be a carpenter, plumber, or what-not, but we may not be able to fit him into any of those programs."

(Indicate page, name of newspaper, city and state.)

MEMPHIS 17
PRESS-SCIMITAR

PAGE

MEMPHIS, TENN

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MAY 14 1969
FBI — MEMPHIS

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44-1987-Sub-C-396

2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

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Ray On Guard In Answering Questions

NASHVILLE. — (UPI) — James Earl Ray has normal intelligence, does not appear to be fearful, but his chances for prison and civil adjustment are "guarded," a state prison report shows.

The man convicted of killing Dr. Martin Luther King Jr. would not discuss the crime with a team of interviewers, psychologists, ministers and others during the two months he has been lodged in the maximum security wing of the state prison here.

He said he preferred to make any statement he had to make to the court.

"THIS MAN was extremely guarded in answering questions," the report said. "He did not appear to be apprehensive, but certainly not communicative. All his answers were brief and he did not elaborate on any of his answers."

The psychological portion of the report said that "tests indicate bright, normal intelligence (but the) prognosis for prison and civil adjustment appears guarded."

AFTER the state Department of Corrections released the report, it was announced that Ray will remain in the maximum security wing of the prison.

Corrections Commissioner Harry Avery said that the classification process was completed and Ray could receive family visitors and have mail privileges.

Robert W. Hill Jr., of Chattanooga, one of Ray's attorneys, said "I don't have any doubt but that solitary confinement on an indefinite basis would be cruel and unusual treatment."

Ray Lawsuit Hearing Set

NASHVILLE. — (UPI) — A federal court hearing will be held here May 27 on motions to dismiss a lawsuit filed by James Earl Ray against two former attorneys and an author.

The hearing was set by U.S. Dist. Court Judge William E. Miller.

The suit names William Bradford Huie, an author, and attorneys Arthur Hanes of Birmingham, Ala., and Percy Foreman of Houston, Texas.

Ray charged that Foreman "pressured" him into making his guilty plea and that he was forced by Hanes to grant Huie all rights to stories about him.

Ray is attempting to invalidate all earlier contracts with Huie and the two lawyers.

A hearing on Ray's motion for a new trial is scheduled in Memphis May 26.

(Indicate page, name of newspaper, city and state.)

MEMPHIS PRESS-SCIMITAR

PAGE 29

MEMPHIS, TENN.

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FD-350 (Rev. 7-16-63)

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Ray Will Be Returned To Memphis

Prisoner to Be At Hearing Monday

By ROY HAMILTON
Press-Scimitar Staff Writer

A court order entered today by Judge Arthur Faquin revealed that James Earl Ray apparently will be returned to Memphis for a post - conviction hearing scheduled next Monday.

The order adopted courtroom seating arrangements followed by the late Judge W. Preston Battle and also reinstated other procedures and security measures used previously in the case.

Officials dclined to say whether Ray would be returned for the hearing, but one of the rules laid down by Judge Faquin today made it clear that he would be. It stated in part, "at noon recess and adjournment, and at any other time the prisoner is being removed to the jail, the spectators shall remain seated in the courtroom until the prisoner has had ample time to be removed . . ."

JUDGE FAQUIN, who succeeded Battle as presiding judge in the Ray case, will hear arguments Monday on Ray's motion for a new trial. Ray, who pleaded guilty March 10 to the slaying of Dr. Martin Luther King Jr., is now serving a 99-year sentence in the state penitentiary at Nashville. Ray has asked the court to grant him a new trial, claiming that his previous attorneys pressured him into pleading guilty so they could reap financial gains from book and movie rights.

JUDGE FAQUIN stated in the order that its purpose was to "assure the orderly and fair hearing" of motions filed in the case. In addition to adopting the original seating accommodations, restricted primarily to the press and family, Faquin also set forth the following rules:

- No cameras, photographic, television, radio or sound equipment will be permitted in the building or in its immediate vicinity. Artists' sketches were also prohibited.
- All persons seeking admission to the courtroom must submit to a search.
- The bar of the court within the rail is reserved for the defendant, counsel, court personnel, and witnesses.
- Only attorneys of record, and witnesses may handle exhibits, except by order of the court.

Meanwhile, Harry S. Avery, Tennessee's commissioner of corrections, said in Nashville today that fellow prisoners in the state penitentiary have threatened to kill Ray.

(Indicate page, name of newspaper, city and state.)

PAGE 1

MEMPHIS PRESS-SCIMITAR

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FD-350 (Rev. 7-16-63)

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Governor's Staff Launches Inquiry Into 'Plot' On Ray

Avery Called In

Corrections Commissioner, Top Ellington Aide, TBI Chief Meet

By WILLIAM BENNETT
From The Commercial Appeal Nashville Bureau

NASHVILLE, May 20. — The governor's office launched an inquiry Tuesday into a statement by Corrections Commissioner Harry Avery that he has learned of a plan to kill James Earl Ray, now serving 99 years for the slaying of Dr. Martin Luther King Jr.

Avery himself declined to make any further comment to newsmen about the matter.

But he did tell a reporter, while sitting in the outer office of William L. Barry, executive assistant to Gov. Buford Ellington, that the telephone call he received about the scheme to slay Ray may have come from "a nut."

Asked if he planned to ask for an investigation of the affair, Avery said, "The FBI knows all about it, knew about it the day it happened."

Later, the matter was discussed during a meeting of Avery, Barry, and W. E. Hopton, chief of the Tennessee Bureau of Criminal Identification.

Neither Barry nor Hopton would comment on what took place at the conference, but it was understood there will be further investigation, presumably by the TBI.

In Memphis, Criminal Court Judge Arthur C. Faquin Jr. Tuesday ordered stringent security for a hearing Monday on Ray's motion for a new trial.

In Nashville, one of Ray's attorneys, Robert W. Hill Jr., said he was told that Ray will be transferred in secrecy to Memphis for the hearing. Hill said he was informed of the planned transfer in a letter from Avery.

Judge Faquin's order is similar to that put into effect for Ray's trial by the late Judge W. Preston Battle. It limits courtroom access and seating and required those attending the hearing to submit to search.

Judge Faquin's order also bars cameras, recording equipment and sketches.

One official said it seemed fairly obvious that the call Avery received about a plot on Ray's life was from "a crank" and that Avery should have knocked down immediately all suggestions of a conspiracy.

When Avery got the call more than two months ago, it was said to have been from an anonymous person. But the commissioner said Monday he managed to trace the call and identify the caller. Avery did not report the threat to Hopton.

The security division of South Central Bell Telephone Co. was reportedly planning an inquiry into Avery's claim the call was traced. South Central Bell said it had no record that Avery or any other prison official requested that a call be traced.

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— PAGE 1
— COMMERCIAL APPEAL
— MEMPHIS, TENN.
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MAY 21 1969
FBI — MEMPHIS

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2025 RELEASE UNDER E.O. 14176

The governor's office took action after Hill said Ray told him Avery was trying to coerce him into providing information for a book Avery plans to write about the murder of Dr. King in Memphis.

At first, Avery denied any plan to write a book but later said he might write one sometime. He maintains there is no truth to suggestions he is trying to coerce Ray into giving him an account of the slaying.

Avery would not release any information he got from Ray during three prison interviews.

Ellington was known to have been displeased by reports that Avery plans a book about Ray, and his office issued a statement saying no state official would be allowed to use his position for personal gain.

One report was that when he first learned Avery had been talking to Ray, Ellington let it be known he wanted the commissioner to stop such activities, but Avery continued.

Avery, 66, is a West Tennessean, born in Alamo. A lawyer, he served as a legislator and a member of the 1953 Constitutional Convention. For 30 years he was an investigator for the National Board of Fire Underwriters.

He was appointed corrections commissioner by former Gov. Frank Clement in 1963 and was reappointed by Ellington in 1967.

RAY INQUIRY — Tennessee Corrections Commissioner Harry Avery was questioned yesterday by W. E. Hopton, chief of the Tennessee Bureau of Criminal Identification, and William L. Barry, executive assistant to Gov. Buford Ellington, concerning statements he made about a reported plot to kill the imprisoned James Earl Ray.

2025 RELEASE UNDER E.O. 14176

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Lawyer Refuses To Say If Ray Will Take Stand

James Earl Ray, under a 99-year sentence for the slaying of Dr. Martin Luther King Jr., bids in Criminal Court tomorrow for a new trial, but defense lawyers won't say if he will take the stand.

"I don't want to say anything the attorney general might read," said attorney J. B. Stoner of Savannah, Ga., yesterday. Mr. Stoner indicated strongly that Jerry Ray of St. Louis, Ray's younger brother, will testify if the defense gets a chance to call witnesses.

The 9:30 a.m. hearing will be before Judge Arthur C. Faquin. The state will ask that the motion be dismissed as a matter of law without necessity of proof.

Ray contends he pleaded guilty before the late Judge W. Preston Battle March 10 because Percy Foreman of Houston, his lawyer at the time, convinced him the death penalty was inevitable unless he took the 99-year term. The state argues Ray waived any rights to a new trial by the guilty plea.

Mr. Stoner said Jerry Ray is "a witness in both the criminal and civil cases," the last a reference to a suit filed in United States District Court at Nashville. That suit contends Ray's civil rights were violated by Mr. Foreman, Arthur Hanes Sr. of Birmingham, another lawyer Ray dismissed, and William Bradford Huie, a writer who obtained information from Ray for a series of magazine articles.

The other lawyers now representing Ray with Mr. Stoner are Robert J. Hill Jr. of Chattanooga and Richard J. Ryan of Memphis. Mr. Stoner said yesterday the three would decide later who would take part in tomorrow's hearing.

He said the defense has not called Mr. Foreman or Mr. Hanes as possible witnesses. Mr. Stoner said he also would like to see Mr. Huie in Memphis, so that he could be served with papers in the civil case. "I don't know who we will call."

The hearing will probably be over by lunch, he predicted.

Mr. Stoner said he was with Jerry Ray when two Federal Bureau of Investigation agents tried to question the younger Ray about the possibility of a conspiracy in the King assassination April 4, 1968. "They should have known it wouldn't work." The brother said the agents threatened to take him before a grand jury if he didn't answer.

Mr. Stoner would not express an opinion on whether he thought there was a conspiracy. And he said he would not oppose Jerry Ray talking with a grand jury, but wondered whether it would be in St. Louis, Atlanta or Memphis.

Jesse Clyde Mason, assistant attorney general, and Robert K. Dwyer, executive assistant attorney general, will represent the state at the hearing. Mr. Mason said if Judge Faquin called for witnesses the state would be ready. "I don't know what we will put on until we see what they do."

(Indicate page, name of newspaper, city and state.)

PAGE 1

COMMERCIAL APPEAL

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FD-350 (Rev. 7-16-63)

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Ray Hearing Is Due Today

James Earl Ray has another day in court today.

The 41-year-old Missouri prison escapee who confessed March 10 to the sniper killing of Dr. Martin Luther King Jr. on April 4, 1968, has said he was pressured into pleading guilty and signing waivers of rights to an appeal.

The hearing is set for 9:30 this morning before Judge Arthur C. Faquin, who took the place of Judge W. Preston Battle. Judge Battle died after a heart attack shortly after Ray pleaded guilty and received a 99-year sentence.

When Judge Battle died, two letters were among his effects. One stated Ray had fired his second attorney, Percy Foreman, and that Ray intended to challenge his plea of guilty and his sentence. The second letter, dated March 26, asked for a new trial.

Today Ray is scheduled to have three attorneys representing him.

Robert W. Hill Jr. of Chattanooga, J. B. Stoner of Savannah, Ga., and Richard J. Ryan of Memphis are believed ready to argue that Foreman and the previous lawyer for Ray, Arthur J. Hanes Sr., used Ray to peddle Ray's inside story to magazines, books and motion pictures for their own financial gain.

If defense lawyers use the "pressure argument," the state is expected to rebut it. Mr. Foreman or William Bradford Huie, a writer who obtained information from Ray for a series of magazine articles, may be called as witnesses for the state.

Jesse Clyde Mason, assistant attorney general, would not say last night if the two men had been called as possible state witnesses.

"You can be sure that we are prepared for all eventualities," Mr. Mason said.

Judge Faquin's decision will dictate the future of the Ray case. If he holds that the letter from Ray to Judge Battle constitutes a motion for a new trial, Tennessee law would grant the motion. If a judge dies before acting on a motion the motion is automatically granted.

If Judge Faquin rules that Ray did, indeed, forfeit his rights for appeal, Ray will be returned to Nashville and state prison to serve out the remainder of his sentence.

Only a ruling by a higher court could legally change the direction of Ray's life after that.

The same strict controls over the news media will be in effect today as were in effect when Ray's case was before Judge Battle. Reporters will be screened and frisked before they are allowed in the Shelby County Court building. There will be no photographs, sketchings or electronic devices such as tape recorders allowed. Once in the courtroom, reporters will be allowed out, but not back in.

Yesterday, Ray was visited by his brother Jerry Ray and Mr. Stoner.

Nothing was revealed of the defense's strategy.

(Indicate page, name of newspaper, city and state.)

PAGE 1

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RAY'S NEW

TRIAL

MOTION

DENIED

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PAGE 1

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Criminal Court Judge Arthur Faquin today denied a new trial for James Earl Ray, the convicted assassin of Dr. Martin Luther King Jr. Faquin ordered Ray returned to the state penitentiary at Nashville, where he is serving a 99-year sentence.

THE JUDGE'S decision was a setback to Ray's new legal defense team, which claimed Ray was entitled to a new trial under state law.

Judge Faquin sustained a state motion to strike the new trial motion, holding that Ray had "expressly" waived his rights to appeal and to a new trial when he pleaded guilty March 10 before the late Judge W. Preston Battle.

Faquin said it was his opinion the guilty plea was "knowingly, intelligently and voluntarily" entered, and that Ray fully understood he was waiving his rights.

However, Faquin, who succeeded Battle as presiding judge in the case, agreed that Ray was entitled to appellate review of his case.

He said Ray could seek a new trial through either habeas corpus proceedings or under the post-conviction relief act.

Chief contention of Ray's lawyers — Robert W. Hill Jr. of Chattanooga, J. B. Stoner of Savannah, Ga., and Richard J. Ryan of Memphis — was centered on a state law which says that, in a case where a trial judge dies or is found insane before a new trial motion before him is heard, a new trial must be granted.

The state maintained that the state law on which the defense relied could apply only in the case of a jury trial and not in a case, such as Ray's, where a guilty plea had been made.

THE DEFENSE argument was based on letters which Ray had written to Battle asking for a new trial. Judge Battle died March 31 before ruling on the requests.

Robert K. Dwyer and Clyde Mason, assistant attorneys general, argued that

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Ray, in pleading guilty, signed waivers, and is not entitled to a new trial.

At the outset of the hearing, which started at 9:30 a.m., the defense was permitted to delete certain allegations which had been contained in the amended and supplemental motions for a new trial. Among them was Ray's claim that he was pressured into pleading guilty by his former attorney, Percy Foreman.

The state's first and only witness was James A. Blackwell, Criminal Court clerk. He was placed on the stand to support the state's contention that Ray freely and voluntarily waived his rights to a new trial March 10 when he pleaded guilty and was sentenced to 99 years.

Blackwell read from a number of official court records and from the transcript of the March 10 hearing. He also read a waiver signed by Ray, waiving trial by jury; and the state's acceptance of the guilty plea.

HILL objected to introduction of the March 10 minute book. He argued that this court could not go into the previous minutes unless the presiding judge was there.

Judge Faquin said: "That's what you allege . . . but the court does not take cognizance of that."

Wearing a reddish brown-and-black checked sport coat, black trousers, white shirt and gold tie, Ray was led into the courtroom at 9:30 a.m. by Chief H. L.

2025 RELEASE UNDER E.O. 14176

Parker, the county jailer, and an assistant."

Ray half smiled as he glanced around the courtroom and took his seat in front of Parker. He appeared to have a "jailhouse pallor" and to have gained weight during his stay at the state penitentiary in Nashville.

During the hearing, Ray fidgeted, crossed his legs, bounced his foot up and down and seemed to watch the proceedings with more interest than in past court appearances.

AT ONE POINT in Blackwell's testimony — when Blackwell was reading the transcript of Judge Battle's interrogation of Ray and the explanation of the guilty plea — Ray leaned over and talked with Hill animatedly.

Hill has a nervous and hesitant courtroom manner. Stoner, the more polished of the two, speaks in a twangy Southern drawl. Ryan, the Memphis lawyer, consulted back and forth with Hill and Stoner.

Sitting in the spectator section were Ray's two brothers. Jerry, the younger, was quite tan and said he had been "out in the sun." Both talked with Gerold Frank, author of "The Boston Strangler." Frank is writing a book on the Ray proceedings.

William Bradford Huie, who paid Ray $35,000 for an account of the case, walked into the sheriff's office about 11:20 a.m. When a reporter asked what he was doing there, Huie replied, "What do you think?"

Asked if he planned to confer with Ray, Huie said, "I doubt if I will confer with him in my lifetime."

HUIE SAID his book on Ray would be out in September, and that he was finished with the case.

"I believe Ray decided on March 17, 1968, to kill Dr. King.

"He is a man who tells me lies. What he would tell me in August is not what he would tell me in March. He is somewhat like Caryl Chessman, a man who has read law in prison and is somewhat of a jailhouse lawyer.

"I don't know if Ray had help in the killing, but I do believe that Ray, and Ray alone, decided to kill Dr. King, although he had some underworld connections.

"I THINK Ray yearned for criminal status — wanted to be on the FBI's 10 most-wanted list — and for him the killing of Dr. King was not the normal killing by a Klansman.

"His crime is more like that of Lee Harvey Oswald's, a great seeking for status."

Asked if he though Ray had been coerced into making a guilty plea, Huie said, "I don't think James Earl Ray could be coerced into doing anything."

SECURITY for the Ray hearing today was more informal and relaxed than it had been at previous hearings. Photographers were allowed to sit on the steps of the Criminal Courts Building instead of across the street.

Reporters were permitted to enter the foyer of the building and mill around. There was only an informal shakedown.

Phone room for the press was set up just down the hall from the courtroom for the hearing.

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—Press-Scimitar Staff Photo By James R. Reid

RAY'S LAWYERS AND BROTHER AT CRIMINAL COURT BUILDING

From left, Richard Ryan, Memphis, J. B. Stoner, Savannah, Ga., attorneys for Ray, and Jerry Ray, St. Louis, a brother, after the James Earl Ray hearing.

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FD-350 (Rev. 7-16-63)

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Ray Whisked Back To Prison Cell As Lawyers Ponder Next Move

By ROBERT KELLETT

James Earl Ray was back in his cell in Tennessee State Penitentiary at Nashville last night and his trio of attorneys left behind were creating a wake of promises that the man who confessed killing Dr. Martin Luther King Jr. would get a trial yet.

The attorneys said they will appeal to the Tennessee Court of Criminal Appeals as their next maneuver to get a new trial for Ray, now serving a 99-year sentence.

"We have lots of steps open to us, but we will continue in this manner just now," said attorney J. B. Stoner of Savannah, Ga., after Criminal Court Judge Arthur C. Faquin Jr. granted a state motion that struck down the defense's request for a new trial.

Sheriff William Morris said Ray was taken from the jail at 3:30 p.m. through the front door and walked to the sheriff's car. He was taken just outside the city for a rendezvous with a Tennessee Highway Patrol caravan which returned him to Nashville.

The sheriff said none of Ray's lawyers knew of the transfer and Ray was not in his cell when Mr. Stoner and Ray's brothers, John and Jerry, were refused admittance later in the afternoon.

The next trip Ray will take appeared to be before an appellate court.

"We're in real good shape for an appeal now," said Robert W. Hill Jr., a Chattanooga attorney who conducted most of the defense arguments in the hearing in the Division III courtroom where Ray pleaded guilty March 10.

Legal observers said various petitions and appeals could keep the case in courts for years.

Ray's attorneys contended in yesterday's hearing that letters which their client sent to the late Judge W. Preston Battle on March 13 and March 26 constituted a motion for a new trial and that under a Tennessee statute a new trial should be granted because the judge died while the motion was being considered.

In an opinion that took almost 30 minutes to relate, Judge Faquin agreed with the prosecution that Ray waived his right to a new trial when he pleaded guilty.

After citing decisions in numerous related cases, Judge Faquin said:

"It is the opinion of the court that the guilty plea was properly, knowingly, intelligently and voluntarily entered and such a guilty plea precluded the defense from filing a motion for a new trial in this case."

When Judge Faquin announced his decision, Ray swallowed hard twice, leaned his head on his left arm briefly and then was escorted quickly from the room.

If the Court of Criminal Appeals upholds Judge Faquin's decision, Ray's attorneys can appeal to the Tennessee Supreme Court and if rejected there can seek review in federal courts.

There also are two other avenues the defense could follow. Ray could seek to have his sentence overturned by filing a petition for a writ of habeas corpus, which would challenge some phase of his arrest, interrogation and trial. The attorney's also could seek a post-conviction hearing in an effort to have the conviction overturned.

Mr. Hill said during yesterday's hearing, however, that defense attorneys feel that both of these approaches would be "detrimental" to their client's case.

Presumably, Ray's attorneys, including Memphis lawyer Richard J. Ryan, will base part of their appeal of yesterday's decision on their objection to admission into testimony of minutes of previous court actions in the case.

The state's only witness, Criminal Court Clerk J. A. Blackwell, read the minutes that recorded Ray's guilty plea and sentencing.

Although there had been speculation that Ray might take the witness stand for the first time since his arrest in London last June, the defense called no witnesses at the hearing.

Before the state made the motion that struck the new trial motion, the defense withdrew several contentions on its own initiative, including paragraphs which had criticized the handling of the case by Ray's previous attorneys.

In what was a low-key confrontation between defense and prosecution attorneys, J. Clyde Mason, assistant attorney general, argued that the state's new trial provisions did not apply to Ray because "this was not a trial — this was a guilty plea.

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PAGE 1

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Mr. Hill said later: "If he hasn't had a trial, he probably ought to be turned loose.

"The only man who could have heard this cause has passed away," he told Judge Faquin. "If we argued before Judge Battle we would be put in the position of changing his mind, but Judge Battle isn't here."

"We're convinced that if we put on our proof, it would be overwhelmingly in our favor," said Mr. Hill.

Mr. Mason was joined in the prosecution by Robert K. 'Bussy' Dwyer, executive assistant attorney general, who was named to the Tennessee Court of Criminal Appeals yesterday, and Lloyd A. Rhodes, administrative assistant attorney general. If an appeal is filed with the appeals court, Mr. Dwyer would not participate in any action the court takes.

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FD-350 (Rev. 7-16-63)

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Ray's Prison Pallor Is Undisturbed As Hearing Grinds Through History To Unspectacular End

By RICHARD LENTZ

James Earl Ray, a trace of the familiar lopsided grin playing at the corner of his mouth, ambled awkwardly under guard into Criminal Court yesterday.

Three hours and 15 minutes later, he walked quickly from the court, still under guard, his motion for a new trial in the murder of Dr. Martin Luther King Jr. struck down by Judge Arthur C. Faquin Jr.

It was a singularly unspectacular hearing.

Attorneys for defense and prosecution rattled the disinterred bones of ancient criminal cases, pausing now and then to wobble Latin phrases through the air.

Ray, pale from prison stays in London, Memphis and Nashville since June 8, sat quietly. He was sandwiched between his attorneys and two deputies who blocked view of the prisoner from most of the courtroom audience.

Heads popped up as he walked in. They saw a 41-year-old man, pale, dressed in brown-checked sports coat and olive trousers with a white shirt and gold tie. Once he sat down, most saw only an occasional glimpse of poorly trimmed hair, with small patches of hair jutting toward prominent ears.

J. B. Stoner, a National States Rights Party attorney from Savannah, Ga., wanted to cross-examine the only witness, Criminal Court Clerk J. A. 'Bubba' Blackwell before the state had finished its questioning.

The judge said no.

Defense attorney Robert W. Hill Jr. of Chattanooga had his problems with Judge Faquin, who had obviously researched the case in depth.

"In Swang versus the United States . . ." Mr. Hill began.

"That's Swang versus the State of Tennessee," Judge Faquin corrected gently, perhaps remembering his own bobbles during the hearing when he identified Mr. Hill variously as "Clarence Hill" and "Mr. White."

"I don't know where I got Mr. White," said the judge in good humor.

Later, Mr. Hill cited another case, giving 167 as an identifying number.

"That's 176," said the judge.

Memphis attorney Richard J. Ryan, the third member of the Ray defense team, made no courtroom presentation. He conferred sporadically with Mr. Hill and Mr. Stoner.

Judge Faquin, who said he drew on briefs submitted by both sides, galloped through a 30-minute summary of his reasons for rejecting the motion for a new trial.

There was no audible gasp when it became clear he was rejecting the motion.

Procedures surrounding the hearing were more relaxed than those at previous court sessions dealing with the Ray murder charge. Washington Street in front of the Criminal Courts building remained open to traffic.

The watch houses which had been at the four corners of the building before did not appear yesterday and newsmen and spectators attending the hearing were subjected to less stringent check-in and search procedures than before.

The hearing drew far fewer news media representatives than the earlier court sessions, but among those at the courts building were two authors who are preparing books about the case, Gerold Frank, author of "The Boston Strangler" and William Bradford Huie, who became involved in controversy surrounding the case when he paid Ray for an account of his involvement in the King murder.

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PAGE 17

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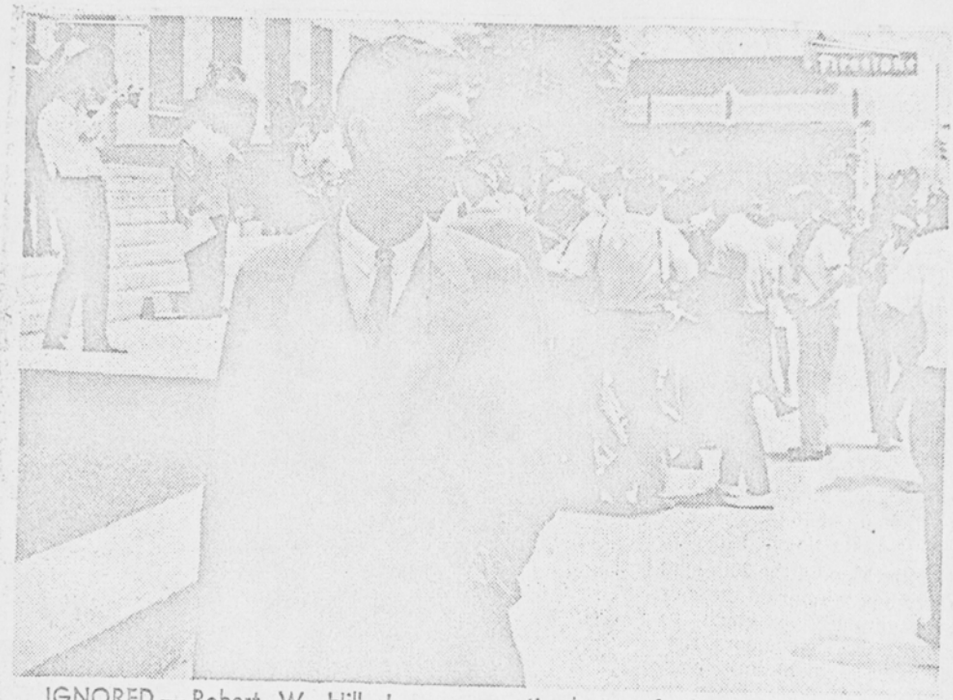

IGNORED — Robert W. Hill Jr., a Chattanooga attorney who conducted most of the defense arguments in James Earl Ray's trial for appeal, walks unnoticed away from a crowd of newsmen and photographers gathered around prosecutor Robert Dwyer outside the courthouse.

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'To Save Ray,' Avery Explains

By WILLIAM BENNETT
From The Commercial Appeal
Nashville Bureau

NASHVILLE, May 30. — Former state Corrections Commissioner Harry Avery said Friday one of his principal motives in interviewing James Earl Ray was to determine "who we might protect him against" at the state prison."

He also said in a radio interview that he had told Ray if he would write the "full truth about his connection with the slaying of Dr. Martin Luther King Jr., I would deposit whatever was paid to him for that in his trust account at the prison."

Avery, fired Thursday by Gov. Buford Ellington, partly because of his dealings with Ray at the prison, said he had told Ray he would "not take one cent" of the money.

The former chief of the Corrections Department said he had in addition told Ray that if he had any money hidden away that he received as a prepayment for his part in the King killing he would get it and deposit it in his trust account as well.

Ray is reported to have told Avery he was "interested" in what he had to offer, but would not say whether he had any money hidden away.

"All I wanted to do was to tell the truth," Avery said. He said it was "not necessarily true" that he was trying to solve the murder and added he was interested in finding who might try to harm Ray at the penitentiary.

W. E. Hopton, director of the Tennessee Bureau of Criminal Identification, who conducted an investigation into Avery's connection with Ray, continued to refuse to discuss details of the report he submitted to Ellington.

After he fired Avery, Ellington said details of the TBI report would not be made public.

Part of the investigation centered about a call Avery said he received telling of a plot on Ray's life in prison. It has been reliably reported the call was from a crank and few if any officials took it seriously.

The governor ordered the investigation after it was reported Avery had on three occasions interviewed Ray in his maximum security cell, gathering material for a book.

Avery insisted he never intended to write a book about Ray as long as he was commissioner.

Before telling Hopton to make the inquiry, Ellington issued a statement saying no state official would be permitted to use his position for personal gain.

At a press conference following his dismissal, Avery had explained his interviews with Ray by saying discussions with the much-publicized prisoner were natural to him in view of his long career as an investigator.

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PAGE 8

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SCLC Leader Restates Claim He Could Clear King's Killer

The Rev. James L. Bevel, a director of the Southern Christian Leadership Conference, who once offered to defend James Earl Ray, told The Commercial Appeal his "evidence" in the case "will never be heard."

The Rev. Mr. Bevel said the case of Ray, who pleaded guilty to killing Dr. Martin Luther King Jr., is closed as far as he is concerned.

However, he restated his earlier claim that he possessed information which could clear Ray of the assasination.

The Rev. Mr. Bevel is in Memphis to conduct a five-day revival at Tree of Life Baptist Church at 407 East McLemore. He made his comments in an interview.

He also outlined the position of SCLC in regard to joining efforts to organize public employes, such as last year's sanitation workers' drive and the organizational push of hospital workers in Charleston, S.C.

"We (SCLC) help these unions organize because we feel they fill a need of the poor people. The big, established unions can't be counted on to help. Besides, unions like the American Federation of State, County and Municipal Employes are faced with the need to organize the whole community, rather than just workers in a factory.

"This community organization process is where SCLC has been trying to help the new unions."

But he declined to discuss the tactics of Local 1733 of the AFSCME in Memphis which has threatened to strike all city services July 1 if its wage demands are not met.

On the "spread the misery" campaign which sends workers to shopping centers to clog trade, he said he was unfamiliar with "the way it's being used here."

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Review Is Sought By Ray Lawyers

Attorneys for James Earl Ray indicated yesterday they will ask the state Court of Criminal Appeals to intervene and review a decision rejecting Ray's motion for a new trial for the murder of Dr. Martin Luther King Jr.

Criminal Court Judge Arthur C. Faquin Jr. yesterday refused to clear an appeal to the higher court on his ruling which turned down Ray's bid for a new trial.

Judge Faquin said he declined to approve the appeal because Ray — when he pleaded guilty — waived his right to move for a new trial or to appeal a ruling on a motion for new trial.

Ray may still file an appeal under laws that permit petitions for a writ of habeas corpus or for a hearing on post conviction relief, said the judge.

The request for the right to appeal was a legal formality, the lawyers, Richard J. Ryan of Memphis and J. B. Stoner of Savannah, Ga., said.

Mr. Stoner said he expects a legal challenge will be filed "shortly" on Ray's confinement under maximum security conditions at the state prison at Nashville.

The Georgia attorney said a suit seeking Ray's transfer from maximum security to normal assignment at the prison will be filed in federal court in Nashville by Robert Hill Jr., Ray's third attorney.

"He (Ray) is being penalized when he has not violated any (prison) rules," said Mr. Stoner. "He's in no danger."

The two attorneys were accompanied by Jerry Ray, younger brother of the prisoner, at a brief hearing before Judge Faquin.

Ray, who pleaded guilty to the murder of Dr. King, is serving a 99-year sentence at the prison.

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PAGE 1

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Ray's Appeal Plea Denied

Criminal Court Judge Arthur Faquin Jr. today refused to grant an appeal of his May 26 ruling in which he denied James Earl Ray's motion for a new trial.

The request for an appeal was presented by two of Ray's attorneys, Richard J. Ryan of Memphis and J. B. Stoner, Savannah, Ga.

Following the brief hearing, the lawyers said their request was a "simple formality" and it was discretionary with the judge to sign the order of appeal.

They said their next step would be to file a petition asking the Tennessee Criminal Court of Appeals to review Judge Faquin's decision in the case.

Ray pleaded guilty March 10 to the murder of Dr. Martin Luther King and is now serving a 99-year sentence in the state penitentiary at Nashville.

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PAGE 32

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Senator To Urge Ray Inquiry

By BETH J. TAMKE

A complete investigation covering the entire James Earl Ray case will be proposed by Senators Ed Gillock (D-Memphis) and Avery Brown (R-Knoxville) in January.

In a statement yesterday, Senator Gillock said he would make three proposals to the Senate after traveling to the penal institutions of the state as a member of the Senate State and Local Government Committee.

"First, I am going to propose the takeover of the Shelby County Penal Farm by the state. Secondly, I propose that a juvenile institution be built in Shelby County for first offenders. And thirdly, I propose the Senate look into the treatment of the convicts in the penal system. I want to look over the entire James Earl Ray case and the association and handling of all prisoners in the state of Tennessee.

"I am going to ask former Commissioner Harry Avery to testify before the committee and hire a staff to carry out a complete investigation so people will know the facts of the case."

Senator Brown was the only other member of the committee who knew of the proposal about James Earl Ray, but Senator Gillock indicated the two other proposals met with committee agreement.

The committee tourned the Shelby County Jail and Fort Pillow Prison yesterday. It will view the Shelby County Penal Farm at 9:30 this morning. Senator William Farris (D-Memphis) said the committee was gathering facts "so a knowledgeable program could be involved in the appropriations for the penal system next year.

"We found Fort Pillow very clean," he said. "We talked with inmates and officials and we learned that Fort Pillow needed a new cannery and bulldozer. It is very likely that money will be appropriated for these needs next year.

"The tour is a step by the independent legislature taking an independent look at corrections institution problems.

"We need the law inforcement concept in handling of penal systems. We don't need a trip over sociological and psychologicap cover, but an administration that considers the dollars and cents and tries to have human values, too.

"We don't need the Milque-

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PAGE 17

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44-1987-Sub C-409

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JUN 17 1969

FBI — MEMPHIS

Orig & one to Bureau 6-17-69

2025 RELEASE UNDER E.O. 14176

toast approach, but we should not eliminate the human values either."

Sheriff William N. Morris Jr. said the state should take over the Shelby County Penal Farm. He said his department would even take it over if the state prisoners were removed and he could have a chance to work with the inmates.

County Commissioner Lee Hyden, asked about the proposal of a state take-over of the farm, said, "We're not going to give up our Penal Farm. We're going to make it into a model community.

"I'd be very much in favor of the state taking over after the revamping of the state system."

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Depositions Only In Ray Civil Suit

Chancellor Charles Nearn decided today that a civil lawsuit against James Earl Ray will be tried by deposition rather than oral testimony.

The suit was brought by Renfro Hays, a private detective, who claims that Ray owes him $11,146 for investigative services performed under one of his former attorneys, Arthur J. Hanes of Birmingham. Hays asked the court to attach and sell Ray's car and a rifle to satisfy the alleged debt.

Chancellor Nearn set Aug. 8 as the trial date. He did not state his reason for trying the case by deposition but it was presumably based on security. In trials by deposition, witnesses are not required to appear in court but give sworn statements which are read into the record.

Ray's deposition will be taken at the penitentiary at Nashville, where he is serving 99 years for the Martin Luther King killing.

(Indicate page, name of newspaper, city and state.)

PAGE 5

MEMPHIS PRESS SCIMITAR

MEMPHIS, TENN.

Date: 6-17-69

Edition:

Author:

Editor: CHARLES N. CONNIFFER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

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JUN 18 1969

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2025 RELEASE UNDER E.O. 14176

(Rev. 7-16-63)

(Mount Clipping in Space Below)

Trial On Ray Suit Will Be Written

Chancellor Charles Nearn has scheduled testimony by deposition for a trial Aug. 8 on a suit by private investigator Renfro T. Hays for an $11,046 judgment aginst James Earl Ray.

Testimony will be written, rather than oral. Any statements from Ray are to be taken from him in his maximum security cell at the state prison at Nashville where he is serving a 99-year sentence for the murder of Dr. Martin Luther King Jr.

Hays filed suit for $11,046, claiming this was the amount due him for investigations he made in the Ray case for Ray's former attorney, Arthur Hanes of Birmingham.

The private investigator filed attachments against a deer rifle police said was used in the sniper slaying of Dr. King and the 1966 white Mustang held as evidence as the escape car.

Ray's attorneys filed an affidavit in February, disclaiming Ray's ownership of the rifle and automobile. They also said Ray owes Hays no money for the work because the investigator's employment was not authorized by Ray himself.

Testimony in Chancery Court may be either submitted in written depositions or given orally in person at the discretion of the chancellor. Chancellor Nearn did not explain his ruling requiring depositions."

(Indicate page, name of newspaper, city and state.)

PAGE 47

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 6-19-69
Edition:
Author: GORDON HANNA
Editor:
Title:

Character:
or
Classification:
Submitting Office: MEMPHIS

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JUN 20 1969
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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Ray Plea Faces July 15 Hearing

By CHARLES EDMUNDSON

The Tennessee Court of Criminal Appeals is expected to hear arguments in Knoxville July 15 on whether it should consider James Earl Ray's appeal from conviction for the murder of Dr. Martin Luther King Jr.

In Covington yesterday afternoon, Chief Judge Mark A. Walker of the appeals court granted the petition of defense counsel to bring the trial record before the tribunal.

Richard Ryan of Memphis represented Ray while Asst. Atty. Gen. Clyde Mason of Memphis represented the prosecution. Also appearing for the prosecution was Paul E. Jennings of the state attorney general's office in Nashville.

Attorney J. B. Stoner of Savannah, Ga., associate defense counsel, also signed the petition, but did not appear in person. After the hearing in Covington Mr. Ryan drove to the Jackson office of the Criminal Appeals Court and filed the petition with Clerk Bessie Buffaloe.

The peitition asserts that Criminal Court Judge Arthur C. Faquin erred in granting a state request to strike the motion for a new trial at a hearing here May 26.

Judge Faquin erred, it is alleged, in allowing the state to present in evidence the record of Ray's plea of guilty before the late Judge W. Preston Battle March 10.

Judge Faquin let the state put Criminal Court Clerk James A. Blackwell on the stand to prove the record of Ray's formal guilty plea and his verbal corroboration of it under questioning by Judge Battle.

The petition also says Judge Faquin erred in not setting the conviction aside on the ground that Judge Battle died before having time to hear the motion for a new trial.

Five of the seven members of the recently enlarged Criminal Appeals Court will hear the motion. Judge Robert K. Dwyer, newly appointed, said he will recuse himself because he was Ray's chief prosecutor under Atty. Gen. Phil M. Canale.

Judge Charles Galbreath of Nashville also is scheduled for recusal because he has expressed the opinion that Judge Battle's death before the motion for a new trial was heard automatically constitutes grounds for a new trial.

Prosecution and defense were agreed that the appeals court at the July hearing will not rule on the question of a new trial but will decide only if a hearing on the question is to be set.

Ray was sentenced to 99 years in prison for Dr. King's slaying here April 4, 1968.

(Indicate page, name of newspaper, city and state.)

PAGE 45

COMMERCIAL APPEAL

MEMPHIS, TENN.

Date: 6-26-69

Edition:

Author: GORDON BAKER

Editor:

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

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FD-350 (Rev. 7-16-63)

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Ray Civil Suit Is Dismissed

NASHVILLE, Tenn. — (UPI) — A federal district judge dismissed today a civil suit brought by James Earl Ray against two former attorneys and Alabama author William Bradford Huie.

U.S. District Judge William E. Miller took the action after hearing arguments from three attorneys in the case. Ray and the defendants were not present.

Miller said Ray did not have the right to bring the suit in the Middle Tennessee Division of federal court but that the case could be brought in the Memphis district.

The suit involves Ray's attempts to void certain contracts and business arrangements with attorneys Percy Foreman of Houston and Arthur J. Hanes of Birmingham, Ala., and Huie.

Ray is serving a 99-year sentence in the state prison here in the murder of Dr. Martin Luther King Jr. in Memphis Apirl 4, 1968.

(Indicate page, name of newspaper, city and state.)

— PAGE 13

— PRESS SCIMITAR

— MEMPHIS, TENN.

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Date: 7-11-69

Edition:

Author:

Editor: CHARLES HL SCHNEIDER

Title:

Character: 44-1987-

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Classification:

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